

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**TARRELL R. RISTER,**  
**Plaintiff,**

**v.**

**JEFFERY BURKE, et al.,**  
**Defendants.**

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**CIVIL ACTION NO. 21-CV-4846**

**ORDER**

AND NOW, this 18th day of April, 2022, upon consideration of Plaintiff Tarrell R. Rister's Motions for Leave to Proceed *In Forma Pauperis* (ECF Nos. 3, 6), Prisoner Trust Fund Account Statements (ECF Nos. 4, 7, 8), and *pro se* Amended Complaint (ECF No. 5), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Tarrell R. Rister, #77355-066, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of Federal Detention Center – Philadelphia or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Rister's inmate account; or (b) the average monthly balance in Rister's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Rister's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's

income credited to Rister's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this Order to the Warden of Federal Detention Center – Philadelphia.

4. The Amended Complaint is **DEEMED** filed.

5. The Clerk is **DIRECTED** to **AMEND** the caption in this matter to reflect the caption of the Amended Complaint.

6. All claims against the Federal Detention Center – Philadelphia and Matthew Krouse, Assistant District Attorney are **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and (iii) for the reasons stated the accompanying Memorandum.

7. Rister's claims brought pursuant to 42 U.S.C. §§ 1983, 1985, 1986, and the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §§ 1961, *et seq.* are **STAYED**, pursuant to the abstention doctrine of *Younger v. Harris*, 401 U.S. 37 (1971) until Rister informs the Court that his state court criminal case, *Commonwealth v. Rister*, CP-51-CR-0002723-2018 (C.P Philadelphia County), has been resolved. Following resolution of his criminal case, Henderson may file a motion to reopen this matter.

8. The Clerk is **DIRECTED** to **CLOSE** this case for statistically purposes.

**BY THE COURT:**

s/ John R. Padova

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**JOHN R. PADOVA, J.**